

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

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OFFICE OF THE CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

Petition for Warrant or Summons for Offender Under Supervision

Offender: Nicole Ruffcorn **Docket Number:** 8:04CR00441

Type of Supervision: Supervised Release **Date of This Report:** July 29, 2008

Sentencing Judge: The Honorable Laurie Smith Camp
United States District Judge

Offense of Conviction: Conspiracy To Distribute Controlled Substance
21 U.S.C. 841 (a)(1), 841 (b)(1), and 846
Date Sentenced: March 17, 2005
Sentence: 70 months, 5 years supervised release

Supervision Term: July 16, 2007 through July 15, 2012

Prepared By: Todd M. Enger United States Probation Officer	Assistant U.S. Attorney: Susan T. Lehr Assistant U.S. Attorney	Defense Attorney: Public Defender
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PETITIONING THE COURT

The undersigned probation officer recommends that a Summons be issued for service upon Nicole Ruffcorn and that a hearing be held by the Court to determine whether the offender has violated the conditions of supervision as set forth in this report and to determine whether the offender's supervision should be revoked or continued, modified, and/or extended based on the alleged violations.

The probation officer believes the offender has violated the following conditions of supervision:

Allegation No. **Nature of Noncompliance**

1 Nicole Ruffcorn is in violation of **Standard Condition #7** which states, "The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician."

On February 22, 2008, Ms. Ruffcorn tested positive for a THC metabolite.

On March 24, 2008, Ms. Ruffcorn tested positive for a THC metabolite.

Taylor US Probation

Summons used 7/30/08

RUFFCORN, Nicole L.
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On June 5, 2008, Ms. Ruffcorn admitted to using marijuana on approximately June 1, 2008.

On June 12, 2008, Ms. Ruffcorn tested positive for a THC metabolite.

On June 18, 2008, Ms. Ruffcorn tested positive for a THC metabolite.

On July 3, 2008, Ms. Ruffcorn tested positive for a THC metabolite.

On July 10, 2008, Ms. Ruffcorn tested positive for a THC metabolite.

On July 15, 2008, Ms. Sondra Crowder, Ms. Ruffcorn's mental health counselor, indicated that Ms. Ruffcorn admitted to using methamphetamine approximately one week earlier.

On July 28, 2008, Ms. Ruffcorn tested positive for a THC metabolite.

If the Court finds the offender has violated the conditions of supervision by submitting more than three positive tests for drug use within one year, the Court shall revoke supervision and impose a sentence which includes a term of imprisonment; however, the Court shall consider the availability of substance abuse programs or if current or past participation in such programs warrants an exception from the mandatory revocation.

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Ms. Ruffcorn is in violation of **Special Condition # 6** which states, "Pursuant to 18 U.S.C. § 3583 (d), the defendant shall submit to a drug test within fifteen (15) days of release on supervised release and at least two (2) periodic drug tests thereafter to determine whether the defendant is using a controlled substance. Further, the defendant shall submit to such testing as requested by any probation officer to detect the presence of alcohol or controlled substances in the defendant's body fluids and to determine whether the defendant has used any of those substances. Based on the defendant's ability to pay, the defendant shall pay for the collection of urine samples to be tested for the presence of alcohol and/or controlled substances in an amount to be determined by the probation officer."

Ms. Ruffcorn failed to appear for urinalysis collection as directed by the undersigned officer on May 17, 2008.

If the Court finds the offender has violated the conditions of supervision by refusing to comply with drug testing, the Court shall revoke supervision and impose a sentence which includes a term of imprisonment.

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Assistant U.S. Attorney Susan T. Lehr has been notified of this action.

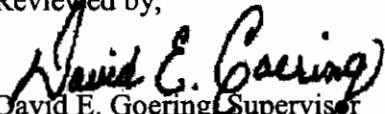
I declare under penalty of perjury that the forgoing is true and correct.

Respectfully submitted,



Todd M. Enger
United States Probation Officer

Reviewed by,



David E. Goering, Supervisor
United States Probation Officer

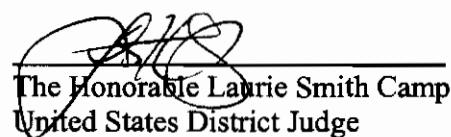
THE COURT ORDERS THAT:

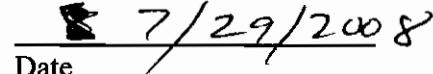
— No action shall be taken.

— A Warrant shall be issued for service upon Nicole Ruffcorn and a hearing held by the Court to determine whether Nicole Ruffcorn has violated the conditions of supervision as set out in the foregoing report and to determine whether the term of supervision should be revoked, continued, modified, and/or extended based on the alleged violations.

✓ The U. S. Probation Officer shall summons Nicole Ruffcorn to appear for a hearing in court to determine whether Nicole Ruffcorn has violated the conditions of supervision as set out in the foregoing report and to determine whether the term of supervision should be revoked, continued, modified, and/or extended based on the alleged violations.

— The following action to be taken (specify other action):


The Honorable Laurie Smith Camp
United States District Judge

 7/29/2008
Date

* * * NOTICE TO OFFENDER * * *

Pursuant to the Federal Rules of Criminal Procedure 32.1(b)(2) you are entitled to:

- (A) written notice of the alleged violation(s);
- (B) disclosure of the evidence against you;
- (C) an opportunity to appear, present evidence, and question adverse witnesses unless the court determines that the interest of justice does not require the witness to appear;
- (D) notice of your right to retain counsel or to request that counsel be appointed if you cannot obtain counsel.